

**REMARKS**

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested. This Amendment should be entered under Rule 116 because it places this application in condition for allowance.

Claims 13-25 remain pending in the application. Claims 13-15, 22 and 25 have been amended.

Applicants appreciatively note that claims 13, 22 and 25 would be allowed if amended to overcome the rejections under 35 USC 112, second paragraph. Claims 13, 22 and 25 have been amended according to the Examiner's suggestion and are believed to overcome the rejections. Therefore, claims 13, 22 and 25 should be allowed. Also, the dependent claims which are dependent on claims 13 and 22 should also be allowed.

The rejections of claims 13-25 under 35 USC 112, second paragraph as being indefinite are noted. As discussed above, the rejections of claims 13, 22 and 25 should be withdrawn.

Further, it is noted that items 10 and 12 have not been checked on the Office Action Summary of the Office Action mailed on June 2, 2009. The Examiner is respectfully requested to acknowledge (i) the acceptance of the drawings and (ii) the claim for foreign priority, corresponding to items 10 and 12 of the Office Action Summary. The drawings were submitted on April 7, 2006 as evidenced by the attached copy of the date-stamped return receipt and a copy of the Image File Wrapper from Private Pair. Priority was claimed on April 7, 2006. A copy of the executed Declaration, Filing Receipt and Notice of Acceptance are also enclosed reflecting the same.

All rejections having been addressed, it is respectfully submitted that the application is in condition for allowance and a Notice to that effect is earnestly solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

**LOWE HAUPTMAN HAM & BERNER, LLP**



Kenneth M. Berner  
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Date: September 23, 2009  
KMB/CHY/cac

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10/575,075

Method For Pre-Detecting Responses in a Secondary Radar or Application to the Detection of Mode S Responses

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This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click PDF.

## Available Documents

Mail Room Date	Document Code	Document Description	Document Category	Page Count	PDF
06-02-2009	CTFR	Final Rejection	PROSECUTION	5	<input type="checkbox"/>
06-02-2009	FWCLM	Index of Claims	PROSECUTION	1	<input type="checkbox"/>
06-02-2009	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1	<input type="checkbox"/>
02-10-2009	A...	Amendment/Reg. Reconsideration- After Non-Final Reject	PROSECUTION	1	<input type="checkbox"/>
02-10-2009	CLM	Claims	PROSECUTION	4	<input type="checkbox"/>
02-10-2009	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	1	<input type="checkbox"/>
02-10-2009	XT/	Extension of Time	PROSECUTION	2	<input type="checkbox"/>
02-10-2009	WFEE	Fee Worksheet (PTO-875)	PROSECUTION	2	<input type="checkbox"/>
02-10-2009	N417	EFS Acknowledgment Receipt	PROSECUTION	2	<input type="checkbox"/>
02-10-2009	WFEE	Fee Worksheet (PTO-875)	PROSECUTION	1	<input type="checkbox"/>
10-10-2008	CTNF	Non-Final Rejection	PROSECUTION	5	<input type="checkbox"/>
10-10-2008	892	List of references cited by examiner	PRIOR ART	1	<input type="checkbox"/>
10-10-2008	BIB	Bibliographic Data Sheet	PROSECUTION	1	<input type="checkbox"/>
10-10-2008	SRNT	Examiner's search strategy and results	PROSECUTION	2	<input type="checkbox"/>
10-10-2008	1449	List of References cited by applicant and considered by examiner	PRIOR ART	2	<input type="checkbox"/>
10-10-2008	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1	<input type="checkbox"/>
10-10-2008	FWCLM	Index of Claims	PROSECUTION	1	<input type="checkbox"/>
10-10-2008	SRNT	Examiner's search strategy and results	PROSECUTION	2	<input type="checkbox"/>
10-10-2008	SRNT	Examiner's search strategy and results	PROSECUTION	2	<input type="checkbox"/>
10-10-2008	NPL	NPL Documents	PRIOR ART	4	<input type="checkbox"/>
10-10-2008	SRNT	Examiner's search strategy and results	PROSECUTION	1	<input type="checkbox"/>
10-10-2008	SRNT	Examiner's search strategy and results	PROSECUTION	10	<input type="checkbox"/>
10-02-2008	NTC.PUB	Notice of Publication	PROSECUTION	1	<input type="checkbox"/>
06-23-2008	M903	Notice of DO/EO Acceptance Mailed	PROSECUTION	2	<input type="checkbox"/>
06-23-2008	APP.FILE.REC	Filing Receipt	PROSECUTION	3	<input type="checkbox"/>
03-12-2007	STATUS.LET	Request for status of Application	PROSECUTION	1	<input type="checkbox"/>
04-07-2006	TRNA	Transmittal of New Application	PROSECUTION	2	<input type="checkbox"/>
04-07-2006	SPEC	Specification	PROSECUTION	12	<input type="checkbox"/>
04-07-2006	CLM	Claims	PROSECUTION	3	<input type="checkbox"/>
04-07-2006	ABST	Abstract	PROSECUTION	1	<input type="checkbox"/>
04-07-2006	DRW	Drawings-only black and white line drawings	PROSECUTION	7	<input type="checkbox"/>
04-07-2006	OATH	Oath or Declaration filed	PROSECUTION	4	<input type="checkbox"/>
04-07-2006	WFEE	Fee Worksheet (PTO-875)	PROSECUTION	1	<input type="checkbox"/>
04-07-2006	A.PE	Preliminary Amendment	PROSECUTION	1	<input type="checkbox"/>
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04-07-2006	CLM	Claims	PROSECUTION	3	<input type="checkbox"/>
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04-07-2006	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	14	<input type="checkbox"/>
04-07-2006	SPEC	Specification	PROSECUTION	13	<input type="checkbox"/>
04-07-2006	ABST	Abstract	PROSECUTION	1	<input type="checkbox"/>
04-07-2006	IDS	Information Disclosure Statement (IDS) Filed (SB/08)	PROSECUTION	2	<input type="checkbox"/>

04-07-2006	371P	Documents submitted with 371 Applications	PROSECUTION	2	<input type="checkbox"/>
04-07-2006	371P	Documents submitted with 371 Applications	PROSECUTION	6	<input type="checkbox"/>
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04-07-2006	371P	Documents submitted with 371 Applications	PROSECUTION	22	<input type="checkbox"/>
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04-07-2006	371P	Documents submitted with 371 Applications	PROSECUTION	1	<input type="checkbox"/>
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04-07-2006	371P	Documents submitted with 371 Applications	PROSECUTION	27	<input type="checkbox"/>
04-07-2006	ABST	Abstract	PROSECUTION	2	<input type="checkbox"/>
04-07-2006	FRPR	Certified Copy of Foreign Priority Application	PROSECUTION	30	<input checked="" type="checkbox"/>
04-07-2006	WFEE	Fee Worksheet (PTO-875)	PROSECUTION	1	<input type="checkbox"/>
04-07-2006	WCLM	Claims Worksheet (PTO-2022)	PROSECUTION	1	<input type="checkbox"/>
04-07-2006	IMIS	Miscellaneous Internal Document	PROSECUTION	1	<input type="checkbox"/>
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.	
10/575,075	Philippe Jean Billaud	4590-510	
33308		INTERNATIONAL APPLICATION NO.	
LOWE HAUPTMAN & BERNER, LLP		PCT/EP04/52361	
1700 DIAGONAL ROAD, SUITE 300		I.A. FILING DATE	PRIORITY DATE
ALEXANDRIA, VA 22314		09/29/2004	10/10/2003

**CONFIRMATION NO. 8670**  
**371 ACCEPTANCE LETTER**



OC000000030535480

Date Mailed: 06/23/2008

### NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

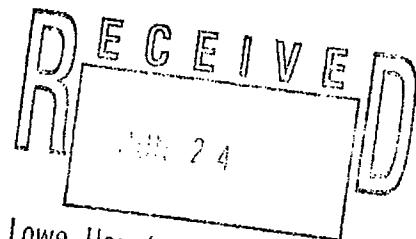
The United States Application Number assigned to the application is shown above and the relevant dates are:

<u>04/07/2006</u>	<u>04/07/2006</u>
DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) REQUIREMENTS	DATE OF COMPLETION OF ALL 35 U.S.C. 371 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE "FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- Copy of the International Application filed on 04/07/2006
- English Translation of the IA filed on 04/07/2006
- Copy of the International Search Report filed on 04/07/2006
- Preliminary Amendments filed on 04/07/2006
- Information Disclosure Statements filed on 04/07/2006
- Oath or Declaration filed on 04/07/2006
- Request for Immediate Examination filed on 04/07/2006
- U.S. Basic National Fees filed on 04/07/2006
- Priority Documents filed on 04/07/2006



Lowe, Hauptman, Ham & Berner

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL. FEE REC'D	ATTY. DOCKET.NO	TOT CLAIMS	IND CLAIMS
10/575,075	04/07/2006	3662	900	4590-510	13	1

**CONFIRMATION NO. 8670**

33308

LOWE HAUPTMAN & BERNER, LLP  
1700 DIAGONAL ROAD, SUITE 300  
ALEXANDRIA, VA 22314

**FILING RECEIPT**



OC000000030535479

Date Mailed: 06/23/2008

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections

**Applicant(s)**

Philippe Jean Billaud, Fontenay Aux Roses, FRANCE;  
Claude Rene De Volder, Les Carrières Auffargis, FRANCE;

**Power of Attorney:** The patent practitioners associated with Customer Number 33308

**Domestic Priority data as claimed by applicant**

This application is a 371 of PCT/EP04/52361 09/29/2004

**Foreign Applications**

FRANCE 0311893 10/10/2003

**If Required, Foreign Filing License Granted: 06/17/2008**

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/575,075**

**Projected Publication Date:** 10/02/2008

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

Method For Pre-Detecting Responses in a Secondary Radar or Application to the Detection of Mode S Responses

**Preliminary Class**

342

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Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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**Declaration for Patent Application**  
**Déclaration pour Demande de Brevet**  
**French Language Declaration**

En tant l'inventeur nommé ci-après, je déclare par le présent acte que:

Mon domicile, mon adresse postale et ma nationalité sont ceux figurant ci-dessous à côté de mon nom.

Je crois être le premier inventeur original et unique (si un seul nom est mentionné ci-dessous), ou l'un des premiers co-inventeurs originaux (si plusieurs noms sont mentionnés ci-dessous) de l'objet revendiqué, pour lequel une demande de brevet a été déposée concernant l'invention intitulée

et dont la description est fournie ci-joint à moins

ci-joint  
 a été déposée le \_\_\_\_\_

sous le numéro de demande des Etats-Unis ou le numéro de demande international PCT

\_\_\_\_\_ et modifiée le  
 \_\_\_\_\_ (le cas échéant).

Je déclare par le présent acte avoir passé en revue et compris le contenu de la description ci-dessus, revendications comprises, telles que modifiées par toute modification dont il aura été fait référence ci-dessus.

Je reconnaiss devoir divulguer toute information pertinente à la brevetabilité, comme défini dans le Titre 37, § 1.56 du Code fédéral des réglementations.

As a below-named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled.

the specification of which

is attached hereto.  
 was filed on 29 September 2004

as United States Application Number or PCT International Application Number

PCT/EP04/052361 and was amended on  
 \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

# French Language Declaration

COPY

Je revendique par le présent acte avoir la priorité étrangère, en vertu du Titre 35, § 119(a)-(d) ou § 365(b) du Code des Etats-Unis, sur toute demande étrangère de brevet ou certificat d'inventeur ou, en vertu du Titre 35, § 365(a) du même Code, sur toute demande internationale PCT désignant au moins un pays autre que les Etats-Unis et figurant ci-dessous et, en cochant la case, j'ai aussi indiqué ci-dessous toute demande étrangère de brevet, tout certificat d'inventeur ou toute demande internationale PCT ayant une date de dépôt précédant celle de la demande à propos de laquelle une priorité est revendiquée.

## Prior Foreign Application(s)

Demande(s) de brevet antérieure(s) dans un autre pays.

03 11893  
(Number)  
(Numéro)

FRANCE  
(Country)  
(Pays)

\_\_\_\_\_  
(Number)  
(Numéro)

\_\_\_\_\_  
(Country)  
(Pays)

Je revendique par le présent acte tout bénéfice, en vertu du Titre 35, § 119(e) du Code des Etats-Unis, de toute demande de brevet provisoire effectuée aux Etats-Unis et figurant ci-dessous.

(Application No.)  
(N° de demande)

(Filing Date)  
(Date de dépôt)

Je revendique par le présent acte tout bénéfice, en vertu du Titre 35, § 120 du Code des Etats-Unis, de toute demande de brevet effectuée aux Etats-Unis, ou en vertu du Titre 35, § 365(c) du même Code, de toute demande internationale PCT désignant les Etats-Unis et figurant ci-dessous et, dans la mesure où l'objet de chacune des revendications de cette demande de brevet n'est pas divulgué dans la demande antérieure américaine ou internationale PCT, en vertu des dispositions du premier paragraphe du Titre 35, § 112 du Code des Etats-Unis, je reconnais devoir divulguer toute information pertinente à la brevetabilité, comme défini dans le Titre 37, § 1.56 du Code fédéral des réglementations, dont j'ai pu disposer entre la date de dépôt de la demande antérieure et la date de dépôt de la demande nationale ou internationale PCT de la présente demande:

PCT/EP04/052361  
(Application No.)  
(N° de demande)

29 September 2004  
(Filing Date)  
(Date de dépôt)

\_\_\_\_\_  
(Application No.)  
(N° de demande)

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Je déclare par le présent acte que toute déclaration ci-incluse est, à ma connaissance, véridique et que toute déclaration formulée à partir de renseignements ou de suppositions est tenue pour véridique; et de plus, que toutes ces déclarations ont été formulées en sachant que toute fausse déclaration volontaire ou son équivalent est possible d'une amende ou d'une incarcération, ou des deux, en vertu de la § 1001 du Titre 18 du Code des Etats-Unis, et que de telles déclarations volontairement fausses risquent de compromettre la validité de la demande de brevet ou du brevet délivré à partir de celle-ci.

I hereby claim foreign priority under Title 35, United States Code, § 119 (a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below, and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

Priority Claimed  
Droit de priorité  
Revendiqué

10 October 2003  
(Day/Month/Year Filed)  
(Jour/Mois/Anné de dépôt)

Yes  
Oui  No  
Non

\_\_\_\_\_  
(Day/Month/Year Filed)  
(Jour/Mois/Anné de dépôt)

Yes  
Oui  No  
Non

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

(Application No.)  
(N° de demande)

(Filing Date)  
(Date de dépôt)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information that is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

(Status: Patented, Pending, Abandoned)  
(Statut : breveté, en cours d'examen, abandonné)

(Status: Patented, Pending, Abandoned)  
(Statut : breveté, en cours d'examen, abandonné)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

# French Language Declaration

**COPY**

Nom complet de l'unique ou premier inventeur		Full name of sole or first inventor BILLAUD PHILIPPE JEAN
Signature de l'inventeur	Date	Inventor's signature Philippe Billaud Date 23 march 06
Domicile	Residence 92260 FONTENAY AUX ROSES FRANCE	
Nationalité	Citizenship FRENCH	
Adresse Postale	Mailing Address 42 AV DU GENERAL LECLERC 92260 FONTENAY AUX ROSES FRANCE	

Nom complet du second co-inventeur, le cas échéant		Full name of second joint inventor, if any DE VOLDER CLAUDE RENE
Signature de l'inventeur	Date	Second inventor's signature Claude De Volder Date 23 march 06
Domicile	Residence 78610 (LES CARRIERES) AUFFARGIS FRANCE	
Nationalité	Citizenship FRENCH	
Adresse Postale	Mailing Address 21 CHEMIN DE LA RETENUE 78610 (LES CARRIERES) AUFFARGIS FRANCE	

(Fournir les mêmes renseignements et la signature du troisième co-inventeur et de tout co-inventeur supplémentaire.)

(Supply similar information and signature for third and subsequent joint inventors.)

## Power of Attorney

**POUVOIRS:** En tant que l'inventeur cité, je désigne par la présente l'(les) avocat(s) suivant(s) pour qu'ils poursuive(nt) la procédure de cette demande de brevet et traite(nt) toute affaire s'y rapportant avec l'Office des brevets et des marques: (*mentionner le nom et le numéro d'enregistrement*).

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: (list name and registration number)

# 33308

Adresser toute correspondance à:

Send Correspondence to:

**LOWE HAUPTMAN GILMAN & BERNER, LLP**  
**1700 Diagonal Road, suite 300**  
**ALEXANDRIA, Virginia 22314**

Adresser tout appel téléphonique à:  
 (nom et numéro de téléphone)

Direct Telephone calls to: (name and telephone number)

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Signature de l'inventeur	Date	Inventor's signature
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Nom complet du second co-inventeur, le cas échéant	Full name of second joint inventor, if any DE VOLDER CLAUDE RENE	
Signature de l'inventeur	Date	Second inventor's signature
		Date
Domicile	Residence 78610 (LES CARRIERES) AUFFARGIS FRANCE	
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(Fournir les mêmes renseignements et la signature du troisième co-inventeur et de tout co-inventeur supplémentaire.)

(Supply similar information and signature for third and subsequent joint inventors.)

**COPY**

**PCT NATIONAL PHASE PATENT APPLICATION**

**APPLICATION NO. REQUESTED**

Docket No.: 4590-510

Enclosed for filing herewith is a copy of:

National Stage Processing Of International Application No. PCT/EP2004/052361 Filed September 29, 2004

Of (Inv.): Philippe BILLAUD et al

For (Title): METHOD FOR PRE-DETECTING RESPONSES IN A SECONDARY RADAR OR APPLICATION TO THE DETECTION OF MODE S RESPONSES

The PTO stamp hereon acknowledge receipt of:

PCT National Stage Transmittal Letter, with:

Copy of the International application

Specification - Claims & Abstract (pages 14) & Formal Drawings (sheets 7)

Amendment of claims (Article 19)

Int'l Prelim Examination Report with annexes

Declaration/Power of Atty. (Executed) X

Info. Disclosure Statement/PTO 1449/Refs.

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Others International Search Report; PCT/IB/304; 308; 1<sup>st</sup> page WO 2005/038486.

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